

**STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT**

IN THE MATTER OF:)
ANGELO KIRBY *and*)
d/b/a STRONG ARM INVESTMENTS, and his)
agents, members, partners, officers and directors,)
employees, affiliates, successors and assigns)
_____)

FILE NO. 1200144

ORDER OF PROHIBITION

TO RESPONDENT:

Angelo Kirby
d/b/a Strong Arm Investments
6785 Lambert Street
Indianapolis, Indiana 46241

And/or

Angelo Kirby
d/b/a Strong Arm Investments
1355 Panama Avenue
Indianapolis, Indiana 46241

And/or

Angelo Kirby
d/b/a Strong Arm Investments
6016 Williamsburg Ct.
Avon, Indiana 46267

WHEREAS, a Temporary Order of Prohibition was issued by the Secretary of State on January 31, 2014 which prohibited **Angelo Kirby d/b/a Strong Arm Investments** and his officers, members, directors, employccs, affiliates, successors, agents and assigns from loan brokering in or from the State of Illinois until further order of the Secretary of State or his duly authorized representative;

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WHEREAS, pursuant to section 15-55(e) of the Illinois Loan Brokers Act of 1995 [815 ILCS 175/15-1 et seq.] (the "Act"), the failure to request a hearing within thirty (30) calendar days of the entry of the Temporary Order shall constitute an admission of any acts alleged therein and constitute a sufficient basis to make the Temporary Order final;

WHEREAS, the Respondents have failed to request a hearing on the matters contained in the Temporary Order within thirty (30) calendar days of the entry of said Temporary Order and the Respondents are hereby deemed to have admitted the facts alleged in the Temporary Order;

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Findings of Fact contained in the Temporary Order as the Secretary of State's Findings of Fact as follows:

1. Respondent Angelo Kirby (hereinafter at times "Kirby" or "Respondent"), has last known addresses of 6785 Lambert Street, Indianapolis, Indiana 46241; and/or 1355 Panama Avenue, Indianapolis, Indiana 46241; and/or 6016 Williamsburg Ct., Avon, Indiana 46267.
2. Respondent Kirby at all relevant times herein was doing business as Strong Arm Investments, and held himself out as the "Managing Member".
3. On or about November 14, 2011 Respondent Kirby, acting within the State of Illinois, entered into a written agreement ("Agreement") in which he contracted to procure a Standby Letter of Credit ("SBLC") in the amount of Ten Million Dollars (\$10,000,000) which he would then lease to an Illinois client ("Client") for a fee.
4. The Agreement, signed by both Client and Kirby, identifies the Client as "Lessee" and "Borrower" and at times "Client"; and identifies Kirby d/b/a Strong Arm Investments as "Lessor" and at times "Service Provider".
5. Client agreed to pay Kirby a total fee of One Million Two Hundred Thousand Dollars (\$1,200,000) through three payments of \$200,000 ("non-refundable"), \$500,000 and \$500,000 to secure the lease of the SBLC.
6. Client and Kirby established an escrow fund into which Client caused the first, non-refundable payment of \$200,000 to be deposited.
7. Under the Agreement the remaining \$1,000,000 (two equal payments of \$500,000) was to be paid to Kirby "within eleven banking days or the cash account will be called back/returned to the sending bank and fees for the Cash Account as-well as legal fees will incur to the client for breach of contract".
8. Client made no further payments after the initial \$200,000 deposit.

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9. The activities set forth in paragraphs 3- 7 are those of a "loan broker", as those terms are defined in Section 15-5.15(a) of the Illinois Loan Brokers Act of 1995 [815 ILCS 175/15-1 *et seq.*], (the "Act").
10. Section 15-10 of the Act provides, *inter alia*, that it shall be unlawful for any person to engage in the business of loan brokering unless registered under the Act.
11. Respondent Angelo Kirby d/b/a Strong Arm Investments was not registered with the Secretary of State as a loan broker as required by the Act prior to engaging in the business of loan brokering in the State of Illinois.
12. By virtue of the foregoing, Respondent Angelo Kirby d/b/a Strong Arm Investments violated Section 15-10 of the Act.
13. Section 15-55 (d) of the Act provides, *inter alia*, that "if the Secretary of State shall find that any person is acting or has acted as a loan broker as defined in Section 15-5.15 of this Act, without prior thereto or at the time thereof having complied with the registration requirements of this Act, the Secretary of State may by written order prohibit such person from acting as a loan broker in this State".

FRAUD

14. Respondent Kirby failed to procure the SBLC for the Client, and failed to return the \$200,000 prepaid fee to the Client.
15. Instead of procuring the SBLC for the Client or returning the \$200,000 to the Client, Respondent Kirby converted and used the money for his own personal and business purposes.
16. Section 15-85 (a) of the Act provides, *inter alia*, that it is prohibited by the Act for a loan broker, in connection with a contract for the services of a loan broker, to either directly or indirectly employ any device, scheme or artifice to defraud, made any untrue statements of material fact, or engage in any act, practice or course of business that operates or would operate as a fraud or deceit upon any person.
17. By virtue of the foregoing, Respondent Angelo Kirby d/b/a Strong Arm Investments violated Section 15-85 (a) of the Act.

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NOW THEREFORE, IT IS HEREBY ORDERED THAT: pursuant to the authority granted by Section 15-55 of the Act, **Respondent Angelo Kirby d/b/a Strong Arm Investments**, his officers, members, directors, employees, affiliates, successors, agents and assigns are hereby **PROHIBITED** from engaging in the business of loan brokering in the State of Illinois until further order of the Secretary of State.

Dated: This 16th day of April, 2014

A handwritten signature in black ink, appearing to read "Jesse White", is written over a horizontal line. To the right of the signature, there is a handwritten mark that looks like "JW".

JESSE WHITE
Secretary of State
State of Illinois

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